

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS²

SECTION

- 18-101. Application for service.
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18-101. Application for service. (1) Each application for new sewer and water service shall be made to the city clerk who shall enter the application in writing and require the application to be signed by the applicant.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Ord. #867, June 2008 adopted the Stormwater Ordinance of the City of Pigeon Forge. This ordinance is a joint effort involving Sevier County, The City of Pigeon Forge, the City of Gatlinburg, and the City of Sevierville and is available in the office of the city recorder.

²Municipal code reference

Plumbing code: title 12, chapter 2.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a non-refundable connection fee, shall not obligate the city to render the service for which applied.

(2) Non-refundable connection fee. (a) City residents. Each prospective water and sewer customer who owns property within the corporate limits on which they live shall pay a fifty dollar (\$50.00) non-refundable connection fee and each prospective water and sewer customer who rents property within the corporate limits on which they live shall pay a fifty dollar (\$50.00) non-refundable connection fee to secure water and sewer service to his or her residence.

(b) Non-residents. Each prospective water customer who lives outside of the corporate limits shall pay a fifty dollar (\$50.00) non-refundable connection fee to secure water service to his or her residence.

(c) Commercial and industrial customers. Each prospective commercial and industrial water customer shall pay a non-refundable connection fee, to be set by the public works department, based on number of employees, expected usage or history or usage. The customary non-refundable connection fee is based on two (2) months expected average billing. (1979 Code, § 13-101, as amended by Ord. #819, Feb. 2007)

18-102. Water and sewer line extensions and connection charges, etc. There is established for the City of Pigeon Forge, Tennessee, the following procedure for the extension of, the charge of tap fees to line extensions, and refunds for the Pigeon Forge Water and Sanitary Sewer Systems.

(1) Extension of lines and mains for a single customer. Upon application by one or more single customer the city will construct, lay or extend all necessary water mains and or sewer lines to provide the service for which application is made provided, however, that the cost of such construction shall be borne by the applicant and will not be subject to refund.

(2) Extension for developer customer. (a) Any developer contemplating extension of water mains and or sanitary sewer lines within the City of Pigeon Forge should consult with the director of public works regarding the city's master plan for water main and/or sanitary sewer lines and the sizes and location of the mains and/or lines to serve the area to be developed. In no case will the gravity lines be less than eight (8) inches. No main in the distribution system shall be less than six (6) inches in diameter.

(b) The developer should furnish four (4) sets of detailed plans of the water and sewer extension(s) to the city along with a review fee of 1% of the estimated construction cost or \$200.00, whichever is greater. After the plans have been approved by the city engineer, they will be submitted for review and approval as noted in paragraph (c). The city

shall make the estimate to determine the fee, and there shall be a minimum fee of \$50.00.

(c) The developer must furnish written evidence of review approval from the Tennessee State Health Department and any other agency not otherwise named, but having jurisdiction in matters of the Pigeon Forge Water and Sanitary Sewer Systems.

(d) The developer will apply for a construction permit after the plans have been reviewed and bear the approval stamp of the city engineer and the Tennessee State Health Department.

(e) Prior to starting work, the developer shall furnish easements as may be required. The contractor used by the developer must be a licensed general contractor as required by Tennessee Code Annotated, section 62-6-101, et seq. and any amendments thereto by the General Assembly of the State of Tennessee and approved for utility work by the City of Pigeon Forge.

(f) Prior to commencing work, and during the water and/or sanitary sewer construction, the contractor must give the City of Pigeon Forge a one (1) day notice for furnishing an inspector and pay the city at the rate of \$25.00 per hour for this inspection. No water main or sewer line or appurtenance work will be done without an inspector being present (this does not include drilling, blasting, or excavation).

(g) During construction the inspector shall make written reports as the work progresses. Any deficiencies shall be noted and copies of all reports shall be delivered to all involved parties including the contractor's bonding company. After completion of construction, the contractor along with the city and/or any of the above agencies having jurisdiction will conduct an inspection of all mains and lines and appurtenances. A written list of necessary corrections or approval for initial acceptance will then be furnished the developer. Tests shall be run in accordance with the Tennessee State Health Department before final acceptance is made.

(h) The developer shall furnish the city with one (1) set of "As Built" construction plans on mylar or some other reproducible medium.

(i) All costs of design, materials, and installation will be borne by the developer and these certified costs must be furnished to the city upon completion of the water and/or sewer work and will be by a licensed contractor for work completed.

(j) The developer shall furnish a one (1) year bond equal to the amount of the total project and all known deficiencies should have been corrected before final inspection. Any deficiencies shall be reported to the developer as they are located. All notices shall be in writing and sent to all parties concerned. The bond company shall be kept on notice until the project is completed.

(k) After initial acceptance, the developer shall deed these mains and lines to the city, free and unencumbered for their ownership and maintenance.

(l) No permits for connections shall be issued until after acceptance.

(m) After the first inspection and acceptance the developer must pay all connection fees for the development or along approved lines at the following rates:

For locations within the corporate limits the minimum connection fee for tapping privileges shall be determined in accordance with the following schedule based on meter sizes determined by the district.

<u>WATER METER SIZE</u>	<u>WATER</u>	<u>WASTEWATER</u>
5/8 - 3/4*	\$750	\$750
3/4 - 3/4*	\$750	\$750
1" & Larger*	1,250 per inch diameter of	1,250 per inch diameter of

*The minimum connection fee does not include the cost of service assembly, i.e. tapping main line and furnishing and installing service line, meter, meter box, yoke, fittings, pavement repair, or other restoration work. All of these costs are to be borne by the purchaser of the connection.

The connection fees in paragraph one are the minimum for such privilege. Connection fees for multi-unit residential and non-residential structure, school, church, service station or other single unit commercial structure shall be determined in accordance with the following schedule:

<u>ESTABLISHMENT</u>	<u>WATER</u>	<u>WASTEWATER</u>
(1) Duplex, Triplex or other multi-residential structure	Minimum connection charge based on meter size for first unit plus \$100 for each additional unit	Minimum connection charge based on meter size for first unit plus \$100 for each additional unit
(2) Industrial facility domestic waste only	Minimum connection charge based on meter size plus \$25 per employee	Minimum connection charge based on meter size plus \$25 per employee
(3) Motel & Hotels Condominium Unit	Minimum connection charge based on meter size plus \$100 for each unit	Minimum connection charge based on meter size plus \$100 for each unit

<u>ESTABLISHMENT</u>	<u>WATER</u>	<u>WASTEWATER</u>
(4) Restaurants	Minimum connection charge based on meter size plus \$25 per seat	Minimum connection charge based on meter size plus \$25 per seat
(5) Self-service Laundries	Minimum connection charge based on meter size plus \$125 per washing or cleaning unit	Minimum connection charge based on meter size plus \$125 per washing or cleaning unit
(6) Service Station	Minimum connection charge based on meter size plus \$225 per pump	Minimum connection charge based on meter size plus \$225 per pump
(7) Theaters Movies-live performances	Minimum connection charge based on meter size plus \$5 per seat	Minimum connection charge based on meter size plus \$5 per seat
(8) Shopping Center & Commercial Store Crafts	Minimum connection charge based on size plus \$20 per 1,000 square feet total floor area under roof	Minimum connection charge based on size plus \$20 per 1,000 square feet total floor area under roof
(9) Schools	Minimum connection charge based on meter size plus \$25 per student	Minimum connection charge based on meter size plus \$25 per student
(10) Fire Protection Lines	\$600 per inch diameter of connection	No charge
(11) Mobile Home Parks	\$500 first unit \$250 each additional unit	\$500 first unit \$250 each additional unit
(12) Car Wash	\$2,500 per bay	\$3,000 per bay
(13) Camp Grounds	\$100 per site	\$100 per site

ALL LOCATIONS OUTSIDE THE CORPORATE LIMITS SHALL BE TWICE THE CHARGE OF THOSE ESTABLISHED WITHIN THE CORPORATE LIMITS, AND THE DEVELOPER AT ALL SUBDIVISIONS AND/OR MULTI-UNIT DEVELOPMENTS OUTSIDE THE CORPORATE LIMITS SHALL IN ADDITION THERETO PAY A CONNECTION FEE OF ONE THOUSAND (\$1,000.00) DOLLARS PER TAP IN ADDITION TO THE EXISTING TAP FEE PAID BY THE CUSTOMER AND FURTHER ALL MULTI-UNIT DEVELOPMENTS INSIDE AND OUTSIDE THE CITY SHALL BE REQUIRED TO HAVE INDIVIDUAL WATER METERS FOR EACH UNIT.

(1979 Code, § 13-102, as replaced by Ord. #515, Feb. 1996, and amended by Ord. #639, Oct. 2000, and Ord. #680, Aug. 2002)

18-103. Order of priority for handling applications. Each application will be numbered consecutively by the city clerk and service connections will be rendered on a first come, first serviced basis except where an emergency exists or where undue hardship can be shown. (1979 Code, § 13-103)

18-104. Location of service connections. Service connections will normally be made at grade to the nearest point from the city's main to the owner's property line unless the applicant provides a sketch with the application designating another location and grade level desired. Installations shall be at the grade and location specified if such location and grade are not considered unreasonable and will not cause the city undue expense, as determined by the city manager. (1979 Code, § 13-104)

18-105. Relocation of lines. After installation, any relocation of a line installed in accordance with the application shall be at the owner's expense unless such relocation is for the city's convenience. (1979 Code, § 13-105)

18-106. Starting date for sewer billing. Each application for a sewer service tap shall specify the date upon which the owner requires service and such date shall constitute the starting date for billing service or if later, the actual installation date. (1979 Code, § 13-106)

18-107. No new service for delinquent customer. Any delinquent charges for water or sewer service must be paid by an applicant before new service will be rendered. (1979 Code, § 13-107)

18-108. Discontinuance of service by customer. Applications for discontinuance of water and sewer service must be made in person to the city clerk by telephone or in writing. Such applications for discontinuance of service shall be entered in writing by the city clerk specifying the date that discontinuance is requested. (1979 Code, § 13-108)

18-109. Water rates.¹ All previously adopted rate structures (user charges) be hereby abolished and that the following rates (user charges) be adopted for the use of the City of Pigeon Forge, Tennessee:

WATER
RATE SCHEDULE "A" - WITHIN CORPORATE LIMITS
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$13.30 Minimum
Over 2,000	\$ 4.90 Per Thousand Gallons

RATE SCHEDULE "B" - WITHOUT CORPORATE LIMITS
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$19.93 Minimum
Over 2,000	\$ 7.90 Per Thousand Gallons

(1979 Code, § 13-109, as amended by Ord. #638, Oct. 2000, as amended by Ord. #870, June 2008, as replaced by Ord. #929, June 2011, and amended by Ord. #931, July 2011)

18-110. Sewer rates. All previously adopted rate structures (user charges) be hereby abolished and that the following rates (user charges) be adopted for the use of the City of Pigeon Forge, Tennessee:

WASTEWATER
RATE SCHEDULE "A" - WITHIN CORPORATE LIMITS
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$13.30 Minimum
Over 2,000	\$ 4.90 Per Thousand Gallons

RATE SCHEDULE "B" - WITHOUT CORPORATE LIMITS
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$19.93 Minimum
Over 2,000	\$ 7.09 Per Thousand Gallons

(1979 Code, § 13-110, as amended by Ord. #638, Oct. 2000, and Ord. #870, June 2008, and replaced by Ord. #929, June 2011, and amended by Ord. #931, July 2011)

¹Beginning July 1, 2012, the water rate and sewer rate shall increase by ten percent (10%), and July 1, 2013, the water rate and sewer rate shall increase ten percent (10%), and July 1, 2014, the water rate and sewer rate shall increase by ten percent (10%).

18-111. Discontinuance of service for nonpayment of bill. If payment of a bill is not made within forty-five (45) days from billing date, both the sewer service and water service shall be discontinued. Before the sewer and water service is reconnected, all past due bills must be paid and an additional charge of two dollars (\$2.00) will be made for reconnecting service. (1979 Code, § 13-111)

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-201. Definitions.
- 18-202. Use of public sewer required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Penalties.
- 18-209. Hearing board.

18-201. Definitions. (1) "Act" or "the act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC.

(2) "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(3) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(4) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(5) "Categorical standards," National Pretreatment Standards.

(6) "City" shall mean the Board of Commissioners of the City of Pigeon Forge, County of Sevier, State of Tennessee, acting through its city manager, employees and other agents authorized to conduct business on the behalf of the commissioners.

(7) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(8) "Compatible pollutant," biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment works (POTW) NPDES permit for which the

¹Municipal code reference

Cross connections, auxiliary intakes, etc.: title 18, chapter 4.

Water and sewers: title 18, chapter 1.

treatment works is designed to treat and in fact does remove such pollutants to a substantial degree.

(9) "Engineer" shall mean the engineer employed by the city for the design, construction and/or operation of the Wastewater System and/or Water Pollution Control of the City of Pigeon Forge, or the authorized deputy, agent or representative of the engineer.

(10) "Environmental Protection Agency," or "EPA," the agency of the United States, or more appropriate the term may also be used as a designation for the administrator or other duly authorized officials of said agency.

(11) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(12) "Grab sample," a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(13) "Hearing board" shall mean that board appointed according to the provisions of § 18-209.

(14) "Incompatible pollutant," all pollutants other than compatible pollutants as defined within.

(15) "Indirect discharge" shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the act, into a POTW.

(16) "Industrial user" shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

(17) "Interference," inhibition or disruption of sewer system, treatment processes or operations for which contributes to the violation of any requirement of the city's NPDES permit. The term includes prevention of sewer sludge use or disposal by the wastewater system in accordance with Section 405 of the Act, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW).

(18) "National pollution discharge elimination system or NPDES permit," a permit issued to a POTW pursuant to Section 402 of the Act.

(19) "National pretreatment standard or pretreatment standard," any regulation containing the pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act as applicable.

(20) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(21) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(22) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration, the concentration being expressed in molecular weights (mols) per liter of solution.

(23) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(24) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(25) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(26) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(27) "Sewer" shall mean a pipe or conduit for carrying wastewater.

(28) "Shall" is mandatory; "may" is permissive.

(29) "Slug" shall mean any discharge of water, sewage, or combination waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(30) "Standard industrial classification or SIC," a classification pursuant by the Standard Industrial Classification Manual issued to the Executive Office of the President, Office of Management and Budget, 1972.

(31) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

(32) "Superintendent" shall mean the Superintendent of the Wastewater System and/or Water Pollution Control of the City of Pigeon Forge, or the authorized deputy, agent or representative of the superintendent.

(33) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(34) "Toxic pollutant," any pollutant or combination of pollutants listed as toxic and regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of 33 USC 1317.

(35) "24-hour, flow proportional composite sample," a sample consisting of several effluent portions collected during a 24-hour period in which portions of the sample are proportional to the flow and combined to form a representative sample.

(36) "Wastewater works" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater of any nature.

(37) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater of any nature.

(38) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1979 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Pigeon Forge, or in any area under the jurisdiction of the City of Pigeon Forge, any human or animal excrement, garbage, industrial waste, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Pigeon Forge, or in any area under the jurisdiction of said City of Pigeon Forge, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Pigeon Forge or in any area within the jurisdiction of the City of Pigeon Forge and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Pigeon Forge, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5) meters of the property line. (1979 Code, § 13-202)

18-203. Private sewage disposal. (1) Where a public sanitary sewer is not available under the provisions of § 18-202(4) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the City of Pigeon Forge, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the city at the time application is filed.

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any

underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet (1393.5 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 18-203(4), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(7) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officers of the county and/or state.

(8) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (1979 Code, § 13-203)

18-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential service,

(b) For service to commercial establishments.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit, inspection and connection fee for a residential or commercial building sewer shall be paid to the city at the time the application is filed. The fees shall be in accordance with the fees set by the user charge ordinance.

(3) All costs and expense incident to the installation of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The connection of the building sewer to the public sewer shall be made by the city or under the supervision of the city.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an

interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code and other applicable rules, regulations and specifications of the city. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and/or other applicable rules, regulations and specifications of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent in writing before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the city and/or under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1979 Code, § 13-204)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surfacewater, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

The city shall from time to time, inspect and test their public sewers and those private sewers that are connected thereto for the purpose of determining their physical condition and for detecting any unauthorized and/or prohibited connections and discharges to such public sewers. Should such unauthorized and/or prohibited connections and/or discharges to the public sewers owned by the city be detected as a result of such inspection and testing, the following corrective process shall apply:

(d) The city or its authorized representative, will forward a letter to the owner of the property where the prohibited connection and/or discharge has been detected, such letter generally outlining the problem and advising the property owner that complete corrective action removing the prohibited connection and/or discharge from the public sewer must be completed at the expense of the property owner within sixty (60) calendar days of the date of such letter.

(e) City personnel or their authorized representatives, will visit the site with the property owner if the property owner so requests to further describe the problem and to review potential corrective action to be undertaken by the property owner within the prescribed time.

(f) If corrective action is not taken by the property owner within the prescribed time frame, the city will attempt to obtain the necessary easements to enter the private property to implement corrective action, with the cost of such corrective action invoiced to the property owner for payment to the city.

(g) If the property owner refuses to make corrective action or refuses to allow the city to do so as outlined above, such violation of this section will be applicable under Pigeon Forge Municipal Code § 18-208, Penalties.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent.

(3) Industrial waste or industrial wastewaters shall not be acceptable in the City of Pigeon Forge or in any area under the jurisdiction of the City of Pigeon Forge.

(4) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or a pH higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment works exceeds the limits established by the superintendent for such material.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment

of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.0.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Any waters or wastes exceeding the following standards:

MAXIMUM CONCENTRATION IN WASTEWATER TREATMENT PLANT INFLUENT
INFLUENT

<u>Constituent</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Compatible Wastes:	
Biochemical Oxygen Demand	400
Chemical Oxygen Demand	800
Settleable Solids (ml/l)	20
Total Suspended Solids	400
Nitrogen (Total Kjeldahl)	40
Incompatible Wastes:	
Boron	0.2
Cadmium	Below Detectable Limit

Chromium (Hexavalent)	0.4
Chromium (Total)	1.0
Copper	0.1
Cyanide	0.2
Lead	Below Detectable Limit
Nickle	0.1
Zinc	0.1

(6) Any individual, company, firm, corporation or any other entity proposing to discharge any waste or wastewater into the treatment system of the City of Pigeon Forge or in any area under the jurisdiction of the City of Pigeon Forge shall submit to the proper authorities of the City of Pigeon Forge an application for discharge accompanied by a complete physical, chemical and bacteriological analysis of the waste or wastewater proposed to be discharged. If, in the opinion of the City of Pigeon Forge, the waste or wastewater proposed to be discharged is of an industrial nature of any source or kind; or, if in the opinion of the City of Pigeon Forge, the waste or wastewater will impair the operation of the treatment works in any manner, form or fashion, the application for discharge will be denied.

(7) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 18-205(4), and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges. This requirement shall apply only to the treatment of compatible wastes.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

(8) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(9) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to unannounced and unscheduled inspections by the city.

(10) When required by the superintendent, the owner of any property serviced by a building sewer carrying commercial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(11) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples. (1979 Code, § 13-205, as amended by Ord. #642, Oct. 2000)

18-206. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1979 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(9).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1979 Code, § 13-207)

18-208. Penalties. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (1979 Code, § 13-208)

18-209. Hearing board. (1) A hearing board shall be appointed as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the superintendent. The cost of the arbitration will be paid by the sewer user requesting arbitration.

(2) One member of the board shall be a registered professional sanitary engineer; one member shall be a representative of a commercial enterprise; one member shall be a lawyer; one member shall be selected at large for his interest in accomplishing the objectives of this chapter; and one member shall be a representative of the city. (1979 Code, § 13-209)

CHAPTER 3

WATER¹

SECTION

- 18-301. When use of city water required.
- 18-302. When use of wells or springs is prohibited.
- 18-303. Digging of new wells restricted.
- 18-304. Inspection of springs and wells.
- 18-305. Condemnation and abatement of unsanitary springs or wells.
- 18-306. Application of §§ 18-304 and 18-305.
- 18-307. Offensive or dangerous pools or ponds.

18-301. When use of city water required. Every dwelling house, tenement, or other building must be supplied with city water, provided there is a water main in the front, rear, or on either side of such premises. (1979 Code, § 8-301)

18-302. When use of wells or springs is prohibited. It shall be unlawful for any person located on any premises where there is provided a water main in the front, rear, or on either side of such premises, to use water from wells or springs if such premiss are open to the general public, or the general public is invited upon said premises. (1979 Code, § 8-302)

18-303. Digging of new wells restricted. Except where the water is to be used for commercial or domestic use other than human consumption, it shall hereafter be unlawful for any person to dig a well upon any premises where there is a water main in the front, rear, or on either side of such premises. (1979 Code, § 8-303)

18-304. Inspection of springs and wells. The city manager is hereby empowered and directed to have the Tennessee Department of Health inspect and examine all springs and wells which he has reason to believe are polluted, unhealthy, unsanitary, and carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (1979 Code, § 8-304)

18-305. Condemnation and abatement of unsanitary springs or wells. If, as a result of such examination, inspection, and analysis, provided for

¹Municipal code reference

Water and sewers: title 18, chapter 1.

in § 18-304, the city manager or the Tennessee Department of Health ascertains that any spring or wells unsanitary, unhealthy, and infected with the germs of contagious and infectious diseases, the city manager shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous to health, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the city, to abate such nuisance within ten (10) days by permanently closing such well or spring and so abating it as to render the taking of water therefrom impossible. If the owner thereof resides outside of the city, the city manager shall give him such notice in writing as above provided by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published for ten (10) days, in a newspaper in the city, requiring the unknown owner of such spring or well to close and obstruct such spring or well and abate such spring or well within ten (10) days from date of the last publication of such notice.

If any owner of a spring or well shall fail to comply with a notice provided for in this section within ten (10) days from the receipt thereof by closing and obstructing such spring or well and abating such nuisance to the public health, he shall be guilty of a misdemeanor.

If any owner shall fail to close and obstruct such well or spring and abate such nuisance after the expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon the request of the city manager, to abate, obstruct, and close up such well or spring so as to prevent persons from obtaining and using water therefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well or spring and shall be payable to the city on demand. (1979 Code, § 8-305)

18-306. Application of §§ 18-304 and 18-305. The words "polluted," "unhealthy," "unsanitary," and "infected," as used in §§ 18-304 and 18-305, apply only and solely to the use of the waters in question for human consumption. Nothing in the provisions of §§ 18-304 and 18-305 shall be held to prohibit their use for domestic or commercial uses. (1979 Code, § 8-306)

18-307. Offensive or dangerous pools or ponds. Every pool, pond, or other place within the limits of the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance and may be abated at the cost of the offender unless renovated, cleaned, or purified within three days of notification from the city manager. (1979 Code, § 8-307)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of Pigeon Forge for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

¹Municipal code references

Plumbing code: title 12, chapter 2.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1979 Code, § 8-501)

18-402. Standards. The Pigeon Forge Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (1979 Code, § 8-502)

18-403. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of the water department of the City of Pigeon Forge. (1979 Code, § 8-503)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water department a statement of the non-existence of unapproved or unauthorized auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1979 Code, § 8-504)

18-405. Inspections required. It shall be the duty of the superintendent of the water department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, shall be established by the superintendent of the water department of the City of Pigeon Forge public water supply and as approved by the Tennessee Department of Health. (1979 Code, § 8-505)

18-406. Right of entry for inspections. The superintendent of the water department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Pigeon Forge public water supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping

system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1979 Code, § 8-506)

18-407. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the Pigeon Forge public water supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent of the public water supply, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitute an extreme hazard of immediate concern of contaminating the public water system, immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard is corrected immediately. (1979 Code, § 8-507)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.
(2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the Pigeon Forge Public water supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the public water supply prior to

installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Pigeon Forge public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the Pigeon Forge public water supply.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of the Pigeon Forge public water supply. (1979 Code, § 8-508)

18-409. Unpotable water to be labeled. The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1979 Code, § 8-509)

18-410. Violations. The requirements contained herein shall apply to all premises served by the Pigeon Forge water system whether located inside or

outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Pigeon Forge corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor. (1979 Code, § 8-510)

CHAPTER 5

REPURIFIED WATER

SECTION

- 18-501. Definitions.
- 18-502. Conditions for repurified water.
- 18-503. Discontinuance of service for failure to pay.
- 18-504. Tapping mains without permission; using unmetered water; tampering with meters, etc.; interfering with installation, operation, etc., of meter.
- 18-505. Penalty.
- 18-506. Fees - repurified water.

18-501. Definitions. (1) Defintions. (a) "Customer" shall mean the person or legal entity who owns property to which repurified water service is to be, or is being, provided. Because of the variety of infrastructure and use issues arising with repurified water, the owner of the property is required to complete the application and agreement for service. If a person other than the owner is to be billed for the monthly service charge and the repurified water usage, both the owner and the other person must complete the application and agreement. The owner and the other person will collectively be the customer and both will be required to follow the terms and conditions of this ordinance and the agreement.

(b) "Pigeon Forge" shall mean the City of Pigeon Forge, Tennessee.

(c) "Repurified water" shall mean the highly treated reclaimed water produced at the City of Pigeon Forge Wastewater Treatment Plant. The product has been subjected to physical and biochemical processes, and has been filtered and disinfected with both ultraviolet light and chlorine prior to being introduced into a dedicated distribution system. While not intended for human or animal consumption, this water is suitable for a number of domestic, commercial and industrial applications, as established by the city.

(2) Use of repurified water regulated. All persons using repurified water produced by the city shall comply with all relevant provisions of city ordinances and Pigeon Forge policies and standards relating to potable water, repurified water and sewerage systems of the city.

(3) Use of repurified water. Repurified water shall be utilized for irrigation and may be utilized for other approved uses as established by policies adopted by Pigeon Forge.

(4) Infrastructure. All lines and appurtenances dedicated to public use shall be located in public right-of ways or easements approved by the city. Such lines and appurtenances and easements shall become the property of the Pigeon Forge, and shall be maintained by Pigeon Forge. The construction of all repurified water lines shall be in accordance with the requirements and policies of the city.

(5) The city council, after receiving a recommendation from the public works department, shall by ordinance establish and from time to time adjust rates, fees, charges and credits for the repurified water system.

(6) The board shall adopt policies and regulations for the repurified water system and the use of repurified water. (as added by Ord. #1024, Oct. 2016)

18-502. Conditions for repurified water service. (1) Compliance with regulations. Repurified water is subject to a variety of federal, state and local regulations to protect the safety of the public and the integrity of both the potable and repurified water systems. Customer agrees to comply with any federal, state and local laws, regulations and standards that may apply the customer's use of repurified water. Such laws, regulations and standards may include:

(a) Requirements and restrictions governing the use of repurified water;

(b) Application methods that reasonably preclude certain kinds of human contact with repurified water;

(c) Controlled access to the repurified water, its delivery system, storage and use;

(d) Requirements to prevent repurified water from standing on open access areas during normal periods of use;

(5) Requirements to prevent repurified water from coming into contact with drinking fountains, water coolers or eating areas; and,

(6) Requirements to identify certain components of the delivery system, or to provide public notice or signage that repurified water is used on the customer's premises.

(2) Compliance with agreement. A repurified water customer agreement establishes the terms and conditions that apply to the ultimate consumer of the city's repurified water. No repurified water service of the city may be connected or served until the following conditions are met:

(a) A complete agreement and application for repurified water is executed by the owner of the property and, if different from the owner, the user;

(b) Pigeon Forge and the customer agree on the use site; Pigeon Forge agrees to deliver repurified water to a meter at the customer's property line at the designated use site and the customer agrees that

repurified water will be stored and/or used exclusively at the designated use site;

(c) Customer may not resell repurified water, and is prohibited from conveying repurified water delivered under this agreement to any other premises or location not specified in the application;

(d) The Pigeon Forge repurified water distribution system terminates at the meter. The Customer is solely responsible for any on site costs arising from the construction, maintenance or operation of the onsite portion of the system; and,

(3) Color coding. The use of color code Pantone Purple 522C is required for all public repurified water lines, valves and outlets and appurtenances, and is strongly recommended for distribution and application facilities located on private properties.

(4) Hose bibs. Customer specifically agrees not to install hose bibs, except as allowed by city policy, on any component of the repurified water delivery system.

(5) Signage. Customer is responsible for posting and maintaining signs that will inform the public that repurified water is being used on the customer's premises. Such signage shall conform to the policies of the city. Customer may also be responsible for posting other signage that may be required by the State of Tennessee.

(6) Cross-connection control. Repurified water is designated as a nonpotable water supply. Since it is virtually impossible to distinguish repurified water from drinking water by sight or scent, it is important to maintain complete separation of the repurified water and potable water systems. To accomplish this goal, the provisions of the cross-connection control program shall apply. At a minimum, a reduced pressure backflow prevention device shall be required on the potable water supply for the site served with repurified water.

(7) Inspection. Customer agrees that the city or any other public agency with the authority to verify compliance with the repurified water use regulation may inspect the customer's premises to verify compliance with applicable laws and regulations. Customer further acknowledges the responsibility and obligation to inform Pigeon Forge of certain activities relating to the construction, maintenance and operation of its private repurified water system, including, but not necessarily limited to, materials, construction or modification, testing, violations and emergency situations.

(8) Plans. Customer acknowledges the responsibility to maintain a copy of the on site repurified water system plans at the premises where the water is being used.

(9) Potential disruption of service. Customer accepts the possibility that Pigeon Forge may be required to disrupt repurified water service or to reduce pressure due to emergency conditions, peak demands, or planned system

maintenance. Pigeon Forge will not be responsible for any damage or loss that may be sustained because of any interruption of service.

(10) Emergency terminations. When there is an unforeseen emergency, Pigeon Forge may terminate delivery of repurified water without notice. When notice of an emergency is given, customer shall reduce or cease usage of repurified water.

(11) Cessation or reduction in use. In order to accommodate peak demands or planned maintenance, Pigeon Forge shall provide the customer with twenty-four hour notice of the need to cease or reduce repurified water usage. Upon receipt of such notice, customer shall comply with the notice.

(12) Transfer of property. Customer agrees that all leases of the premises subject to the agreement for repurified water service shall be in writing and must be made expressly subject to the agreement. Should the customer sell or otherwise transfer ownership or control of the premises described herein to a third party, Pigeon Forge shall not be obligated to provide repurified water to any subsequent owner or customer unless such sale or disposal incorporates the agreement by reference, and makes any successors and assigns expressly subject to the agreement. If such third party disposition does not include such provisions, customer will close its account with Pigeon Forge and pay any fees or charges incurred by customer before the disposition of the property is effective.

(13) Termination of service. Customer acknowledges that potable water, repurified water and sewer service may be discontinued for failure to comply with the terms and conditions of the agreement for repurified water service, including, but not limited to, failure to pay for potable water, repurified water or sewer services provided by Pigeon Forge. (as added by Ord. #1024, Oct. 2016)

18-503. Discontinuance of service for failure to pay bill. If any person shall fail to pay their bill for potable water, repurified water or sewer service by the due date shown on such bill, Pigeon Forge may cut off and disconnect repurified water from the premises of the person owning or controlling the property to which such bill relates, and water shall remain cut off and disconnected from such premises until bill shall be paid.

If the water shall be so cut off or disconnected, the same rules that apply for disconnection and reconnection of potable water shall apply.

If any check is returned by any bank for any reason, there shall be a service charge as set forth in Title 18. If service is discontinued due to failure by the customer to make satisfactory restitution for said check, the reconnection fee described in the preceding paragraph shall apply.

Pigeon Forge shall not be liable for any damages resulting from discontinuance of service for failure to pay bill, or from delay in reconnection of service. (as added by Ord. #1024, Oct. 2016)

18-504. Tapping mains without permission; using unmetered water; tampering with meters, etc.; interfering with installation, operation, etc., of meter. It shall be unlawful for any person:

(1) To make a tap or connection with any repurified water main of the city or with any pipe connected with any such repurified water main, without first obtaining the consent of Pigeon Forge;

(2) To take, use or consume any repurified water from any such water main or any pipe connected with any such repurified water main, unless such repurified water is regularly metered by a water meter installed, or the installation of which has been approved, by Pigeon Forge;

(3) To tamper in any manner with any such meter, including all fittings and fixtures thereon and connection thereto, or in any respect with the regularly approved installation of same; or,

(4) By the installation or use of any pipe, by-pass, cut-off or other device or by other means whatsoever, to interfere in any manner with the approved installation of any such meter or with the normal operation of any such meter or with the normal registration thereon and thereby of the quantity of water consumed. (as added by Ord. #1024, Oct. 2016)

18-505. Penalty. Any person who shall violate or fail to comply with any provision of this chapter shall be penalized as provided herein and by any other applicable regulation and/or law.

In addition, whenever it has been determined that an illegal connection has been made, Pigeon Forge shall charge the owner of the property any costs associated with removing the connection. (as added by Ord. #1024, Oct. 2016)

18-506. Fees - repurified water. (1) Schedule of repurified water rates.

(a) Rates established. The schedules of repurified water service fees and usage rates to be charged and collected by the city from consumers of repurified water served by the city and its water and sewer department is hereby fixed and established as follows:

(b) Repurified water monthly service charge.

1 inch meter \$5.00

2 inch or larger meter \$10.00

(c) Repurified water usage rate. The water rate shall be three dollars and twenty six cents (\$3.26) per one thousand (1,000) gallons of consumption. This rate represents one half (1/2) of the current potable water rate in effect inside city limits.

(3) Exemption of first year charges. During the first twelve (12) consecutive month period following initiation of service, customers shall pay the repurified water monthly service charge but shall be exempt from paying the repurified water usage rate.

(e) Conditions. All rates and charges are subject to all rules and regulations of the water and sewer department now or hereafter from time to time in force and effect.

(f) Application of gross rate. The above charge and rates are net, the gross rate and service charge being ten percent (10%) higher. In the event that the current monthly bill is not promptly paid by the due day applicable to and shown on the respective bills rendered, the gross rate shall apply. Generally, the due day shall be ten (10) days after the date of mailing of the respective bills rendered to consumers.

(2) Charges for taps made by city. (a) The charges for repurified water taps made by the Pigeon Forge Utility Department shall be as hereinafter set forth:

(i) Meter connection: In areas where the service line stub has been installed, the charge for a repurified meter connection shall be seven hundred fifty dollars (\$750.00).

(ii) Complete tap: In areas where the water service line stub has not been installed, the charge for a one inch (1") repurified water tap shall be seven hundred fifty dollars (\$750.00). The charge for a two inch (2") repurified water tap shall be twelve hundred fifty dollars (\$1,250.00). A complete tap consists of both the stub and meter connection.

(iii) Large taps: Charges for taps and service lines installed larger than two inch (2") shall be the costs of labor, equipment, and materials.

(b) Delayed connection: If any person paying any such charge for any such repurified water tap shall, within two years thereafter, fail to request the city to make the repurified water tap so paid for, and if in the meantime the charge for such repurified water tap be increased, then such person shall be required to pay to the city such additional amount which, together with the amount already paid, will equal the increased charge then required to be paid for such repurified water tap, before such repurified water tap shall be made or be permitted to be made. (as added by Ord. #1024, Oct. 2016)